

COLLEGE STUDENT AID COMMISSION[283]

Adopted and Filed Emergency

CHAPTER 9
ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM

Pursuant to the authority of Iowa Code section 261.3, the College Student Aid Commission hereby amends Chapter 9, "All Iowa Opportunity Foster Care Grant Program," Iowa Administrative Code.

The purpose of these amendments is to establish a new program as directed by the 2007 General Assembly.

In compliance with Iowa Code section 17A.4(2), the Commission finds that notice and public participation are unnecessary to ensure that all action taken by the Commission is in compliance with federal law and regulations.

The Commission also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and these amendments should be made effective upon filing, as they will allow the rules to be effective prior to the beginning of the 2007-08 academic year.

These amendments are also published herein under Notice of Intended Action as ARC ____ to allow for public comment.

The Commission adopted these amendments on May 17, 2007.

These amendments shall become effective upon filing.

These amendments are intended to implement Iowa Code chapter 261.

The following amendments are adopted.

Amend 283—Chapter 9 as follows:

CHAPTER 9

ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM

283—9.1(261) Financial assistance to students who have been in Iowa foster care, who demonstrate financial need, and who are enrolled at eligible Iowa colleges and universities.

283—9.2(261) Definitions. As used in this chapter:

“Adopted youth” means a youth who was adopted after the age of 16.

“Aged out” means youth who leave foster care at age 18 or older.

“Eligible child” shall mean a child who meets the definition of ‘aged out’ of foster care or who was adopted on or after child’s 16th birthday.

“Eligible college or university” means an Iowa community college, an institution of higher education governed by the state board of regents or an accredited private institution located in Iowa that meet all eligibility requirements set forth in Iowa Code section 261.9. All eligible colleges and universities must submit annual reports which include student and faculty information, enrollment and employment information, and other information required by the commission as described in Iowa Code sections 261.9 through 261.16.

“Financial need” means the need of an applicant for financial assistance. Need shall be evaluated annually on the basis of a confidential statement of family finances filed on

a form designated by the commission. For the purposes of determining financial need, the commission has adopted the use of the free application for federal student aid (FAFSA), a federal form used to calculate a formula developed by the U.S. Department of Education, the results of which are used to determine relative need. The FAFSA must be received by the processing agent by the date specified in the application instructions.

“Foster care” shall mean substitute care furnished on a 24-hour a day basis to an eligible child, in a licensed foster care facility or approved shelter care facility, by a person or agency other than the child’s parent or guardian, but does not include care provided in a family home through an informal arrangement for a period of less than 30 days. Child foster care shall include but is not limited to the provision of food, lodging, training, education, supervision, and health care.

“Full-time” means enrollment at an eligible college or university in a course of study including at least 12 semester hours or the trimester or quarter equivalent.

“Iowa resident” means an individual who meets the criteria used by the state board of regents to determine residency for tuition purposes as described in 681 IAC 1.4(262).

“Located in Iowa” means that a college or university has made a substantial investment in a permanent Iowa campus and staff, and offers a full range of courses leading to the degrees offered by the institution as well as a full range of student services.

“Part-time” means enrollment at an eligible college or university in a course of study including at least three semester hours or the trimester or quarter equivalent.

283—9.3(261) Eligibility requirements.

9.3(1) Applicants for the all Iowa opportunity foster care grant program must complete the free application for federal student aid (FAFSA) and an application specific to the program as provided by the commission. Both applications must be completed by deadlines provided by the commission. The applicant's initial application date and the start date of the education or training program must be prior to the applicant reaching the age of 23. In addition to completing the required applications, an applicant must be:

- a. an Iowa resident,
- b. a youth who has either a general equivalency diploma (GED) or a high school diploma,
- c. a youth who is at least 18 years of age and who has not yet reached 24 years of age and:

- i. was in a licensed foster care placement under a court order as described in chapter 232 under the care and custody of the department of human services or juvenile court services on the date the youth reached the age of 18 or during the 30 calendar days before or after that date.

- ii. was under court order under chapter 232 to live with a relative or other suitable person on the date the youth reached the age of 18 or during the 30 calendar days before or after that date.

- iii. was in a licensed foster care placement under an order entered under chapter 232 prior to being legally adopted after reaching the age of 16.

- iv. was in the state training school or the Iowa juvenile home under court order under chapter 232 under the care and custody of the department of human services on

the date the youth reached the age of 18 or during the 30 calendar days before or after that date.

d. a student enrolled for at least three semester hours, or the trimester or quarter equivalent, in a program leading to a degree or certificate from an eligible college or university.

9.3(2) To maintain eligibility, recipients must maintain satisfactory academic progress as defined by the eligible institution.

283—9.4(261) Awarding of funds.

9.4(1) *Selection criteria.* All applicants who submit FAFSAs and program applications that are received on or before the published deadlines will be considered for funding.

9.4(2) *Priority for grants.* Applicants are ranked in order of the estimated amount which the applicant reasonably can be expected to contribute toward college expenses, and awards are granted to those who demonstrate need in order of family contribution, from lowest to highest, insofar as funds permit, with priority being given to applicants who were placed in the state training school or the Iowa juvenile home pursuant to a court order under chapter 232 under the care and custody of the department of human services.

If funds are insufficient to fund all applicants, awards will first be made to returning students who submit renewal applications by the application deadline. After all on-time renewals have been funded, awards will be made to new students and renewal students based on the application receipt date.

When all funds have been committed, applicants not awarded who meet the eligibility requirements will be placed on a waiting list. Applicants on the waiting list will be

awarded based on date the completed application was received. In the event multiple applications are received on the same date, preference will be given as follows:

a. Applicants who were placed in the state training school or the Iowa juvenile home pursuant to a court order under chapter 232 under the care and custody of the department of human services.

b. Applicants who aged out of foster care.

i. In the event there are multiple applicants who aged out of care, preference will be given to the applicant closest to the age of 24.

ii. In the event multiple applicants have the same birthday, preference will be given to the applicant with the highest financial need as determined by the FAFSA.

c. Applicants who were adopted.

i. In the event there are multiple adopted applicants, preference will be given to the applicant closest to the age of 24.

ii. In the event multiple applicants have the same birthday, preference will be given to the applicant with the highest financial need as determined by the FAFSA.

d. Applicants who received awards previously but withdrew from school regardless of type of foster care placement.

i. In the event there are multiple applicants, preference will be given to the applicant closest to the age of 24.

ii. In the event multiple applicants have the same birthday, preference will be given to the applicant with the highest financial need as determined by the FAFSA.

9.4(3) *Award notification.* All recipients will be notified in writing of the amount of their award. Ineligible applicants, or applicants who are on the waiting list, will be notified in

writing of their ineligibility or waiting list status. The commission will coordinate all financial aid received by the recipient to ensure compliance with student eligibility requirements and allowable award amounts.

9.4(4) *Award transfers and adjustments.* Recipients are responsible for promptly notifying the appropriate college or university of any change in enrollment or financial situation. The college or university will make necessary changes and notify the commission.

9.4(5) *Academic year awards.* All Iowa opportunity foster care grants are provided during the traditional nine-month academic year generally defined as September through May.

9.4(6) *Renewal.* Applicants must complete and file annual applications for the all Iowa opportunity foster care grant program by the deadline established by the commission. If funds remain available after the application deadline, the commission will continue to accept applications. To be eligible for renewal a recipient must maintain satisfactory academic progress as defined by the eligible college or university.

9.4(7) *Extent of grant.* Students may receive no more than eight semesters of full-time all Iowa opportunity foster care grants or 16 part-time semesters.

283—9.5(261) Disbursement of grant. The full amount of the grant will be disbursed in multiple installments to the eligible college or university upon receipt of certification from the college or university that the grant recipient is enrolled and in good academic standing. The institution will first use the funds to pay any outstanding charges of the student. Once the student account balance has been settled, the remaining funds, if any, may be refunded to the student.

If the student withdraws from the university and is entitled to a refund of tuition and fees, the pro-rata share of the refund attributable to the grant shall be refunded to the commission.

283—9.6(261) Award transfers and adjustments. Recipients are responsible for notifying the commission immediately of any change in name, enrollment status, or address.

283—9.7(261) Restrictions. A student who is in default on a Stafford Loan, SLS Loan, or a Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for assistance under the all Iowa opportunity foster care grant program. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in an appeal under the procedures set forth in 283—Chapters 4 and 5. Credits that a student receives through “life experience credit” and “credit by examination” are not eligible for grant funding.

These rules are intended to implement Iowa Code chapter 261.